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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

9 ROBERT MICHAEL KALTHOFF,
10 KATHERINE KALTHOFF, EVIE VIERA,
11 DAVID ISENBERG, JIM THULIN, SEAN
WARD, ZORKA AGUILAR, WORLD
12 CLASS PROPERTY MANAGEMENT, INC.,
a Nevada Corporation, and JETCO
INDUSTRIES, a Nevada Corporation,

13 Plaintiffs,

14 vs.

15 DOUGLAS COUNTY, a political subdivision
of the State of Nevada,

16 Defendant.

17 Case No. 3:21-cv-00293

**ORDER TO VACATE BRIEFING
SCHEDULE AND HEARING ON
PRELIMINARY INJUNCTION**

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19 Plaintiffs Robert Michael Kalthoff, Katherine Kalthoff, Evie Viera, David Isenberg, Jim
20 Thulin, Sean Ward, Zorka Aguilar, World Class Property Management, Inc., and Jetco Industries
21 (collectively, the “VHR Parties”), and Defendant Douglas County, hereby submit this stipulation
22 and proposed order.

23 A hearing was held on a Motion for Temporary Restraining Order and Preliminary
24 Injunction on July 14, 2021. The Court granted in part and denied in part the Temporary

1 Restraining Order and set a briefing schedule for blind briefs to be submitted on August 3, 2021,
2 and set a hearing on the Preliminary Injunction for August 26, 2021.

3 The Parties have engaged in settlement negotiations in order to present an amended
4 Ordinance to the Douglas County Commissioners for consideration. The first reading of that
5 amendment occurred on August 5, 2021. A duly noticed public hearing to consider the proposed
6 amendments was scheduled to be held on September 2, 2021, at which time the County
7 Commissioners was scheduled to act on the proposed amendments after taking public comment
8 and hearing the evidence presented. In light of the possibility of resolving some if not all of the
9 issues between the Plaintiffs and Douglas County, the parties stipulated to extend the briefing
10 schedule to September 17, 2021, and reschedule the Preliminary Injunction hearing to a date
11 thereafter, which the Court just scheduled for October 18, 2021 (ECF No. 19).

12 As noted above, the VHR matter was set to be heard at the September 2, 2021, meeting of
13 the Board of County Commissioners. However, due to the Caldor Fire and imminent
14 evacuations, the meeting was cancelled and tentatively reset for September 16, 2021. The current
15 briefing schedule and hearing on preliminary injunction set for October 18, 2021 were predicated
16 on the BOCC meeting schedule. Therefore, the VHR Parties and Defendant Douglas County
17 hereby jointly and respectfully request that the blind briefs currently due on September 17, 2021,
18 under the Court's Minute Order of August 27, 2021 (ECF No. 19), will now be due on October
19 1, 2021, and that the Preliminary Injunction Hearing set for October 18, 2021, be vacated and
20 rescheduled at a convenient time for the Court in November, 2021.

21 Plaintiffs with valid VHR permits as of June 3, 2021, will be able to continue to utilize
22 their existing VHR permits until it is time for the permit's renewal at which time the VHR
23 permits will be subject to the applicable VHR tier requirements and conditions in Douglas
24 County Code Chapter 20.622 as modified by the Court's July 15, 2021, Order (ECF No. 14). In

1 the case of Plaintiffs who will apply to become Tier 3 VHR permit holders, they will have 180
2 days from the date of their VHR permit renewal application to obtain a special use permit subject
3 to adjustments for occupancy based on the number of bedrooms at the time of renewal (two
4 occupants per bedroom). If any Plaintiff believes their VHR Permit was improperly processed or
5 denied from July 15, 2021, through October 1, 2021, then they may challenge the denial or
6 modification of the VHR permit renewal conditions with this Honorable Court. Nothing in this
7 Stipulation waives any arguments by the VHR Plaintiffs that certain provisions of the new
8 ordinance, as potentially amended in the future, are illegal or unconstitutional. In the interim the
9 Temporary Restraining Order issued by this Court on July 15, 2021, will remain in effect until a
10 ruling is made on a Preliminary Injunction.

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12 **ORDER**

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IT IS SO ORDERED.

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ROBERT C. JONES

United States District Judge

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Date: September 2, 2021.

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